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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,639	07/08/2002	Gervase Clifton-Bligh	32414.32.0	3572

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EXAMINER
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NELSON, ALECIA DIANE

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,639

Applicant(s)

CLIFTON-BLIGH, GERVASE

Examiner

Alecia D. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 1-6, 9-21, 24, 25, and 28*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (UK Patent No. 2,145,257).

With reference to **claims 1, 2, 6/1, 6/2, 9/1, 9/2, 11, 18, 19, 20/18, 20/19, 21/18, 21/19, 24/18, 24/19**, Smith teaches a method and apparatus for allowing a user to select one of a variable number of items, the method and apparatus employing a device having a display area (24, Figures 6-8) and, separately from the display area, a data input means (Figures 1-4) which registers a selection made by the user (see abstract). Further including; displaying within the display area a number of regions (26-29) equal to the number of items (see page 3, lines 11-12); a processor (23) defining with the input means a number of sections (17-20) equal to the number of items, the arrangement of the sections corresponding to the arrangement of the regions of the display area, each section corresponding to a respective region (see page 3, lines 3-7), whereby the user can select one of the items by selecting a respective one of the sections (see page 3, 11-23). With further reference to **claims 2 and 19**, Smith teaches

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defining a plurality of subsets (30-33) of the regions (26), and defining a plurality of subsets (32-35) of the selected subset of regions (31) (see page 3, 11-23).

With further reference to **claim 9**, Smith teaches that the number of selectable items may be too great to display them all at the same time, therefore suggesting that the sections are defined equivalent to the entire display area (see page 3, lines 54-61). With further reference to **claims 20**, Smith teaches that the data input means (Figures 1-4) is not adapted to display information (see abstract).

With reference to **claim 24**, Smith teaches that the device is an item of consumer electronics (see page 2, lines 1-3).

With reference to the loop-shaped range; and with further reference to **claims 6/1, 6/2, 21/18, and 21/19**, while Smith fails to expressly teach a loop-shaped range, Smith teaches that that any suitable number and arrangement of micro switches and any suitable number and arrangement of items of information on the screen may be used (see page 3, lines 28-32), and further states that although the rectilinear arrangement of switches and portions of the display is preferred as providing a readily observable correspondence between the positions of the switches and the elements of the display, it will be appreciated that any other suitable pattern or configuration of the switches and elements of the display may be provided (see page 3, lines 62-65). Therefore, through these teachings there is the suggestion that the displayed information, as well as the switches, can have a loop-shaped arrangement, wherein Smith teaches that the device has particular usage to users with disabilities. The switch arrangement is located in close proximity to the user's mouth and the user thereby operates the

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switches through usage of the tongue, wherein the switches are closely grouped in a pattern (see column 2, lines 14-17). Therefore it would be obvious for the switches to have a loop-shaped arrangement to fit the mouth of the user when operating the switches of the device. Further, with reference to **claims 6/1, 6/2, 21/18, and 21/19**, the device having the suggest arrangement will also allow for the range to be a range of circumferential locations (switch locations) within the loop-shaped arrangement. Wherein the switches are activated by the tongue of the user, thereby making the range of circumferential locations within a loop-shaped arrangement contact sensitive.

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the input device of Smith to have the loop arrangement as suggested and explained above to be used according to the system which is taught by Smith, thereby providing an additional alternative method and apparatus for controlling the displayed information. This allows the user with a switch arrangement that is more convenient and more comfortable to use.

With reference to **claims 3/1, 3/2**, as explained above with reference to **claims 1 and 2**, Smith suggest that the regions (26-29) are provided in a pattern to correspond to the input means (see page 3, lines 4-7). The regions are displayed by partitioning the display area into a number of elements corresponding to the number of regions, and displaying a region in each of the path elements is taught in the disclosure wherein it is stated that in any

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arrangement according to the invention the switches are arranged to some particular spatial configuration or pattern and the visual display has a corresponding spatial layout (see page 3, lines 41-42). More specifically having the loop-shaped arrangement as explained above with reference to **claims 1 and 2**.

With reference to **claims 4/1, 4/2**, Smith teaches for each possible number of regions up to a maximum, there is a predefined arrangement of that number of regions (see page 3, lines 29-42).

With reference to **claims 5/1, 5/2**, Smith teaches that the regions can be arranged in any configuration, more specifically having the loop-shaped arrangement as explained above with reference to **claims 1 and 2**. Wherein if the configuration has the loop-shaped arrangement as explained above, it would be implicit that the respective centers are not in a straight line (see page 3, lines 62-65).

With reference to **claims 10/1, 10/2**, Smith teaches that the user can vary the selection of the item, and by a predetermined action make a definitive selection (see page 3, lines 11-23).

With reference to **claims 12/1, 12/2, 13/1, and 13/2**, Smith teaches that on each occasion, selecting from items that are logically related to the item

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selected in the previous step (see Figures 6-9) and that the logical relationships are of any type suitable for defining a hyperspace (see page 3, lines 41-43).

With reference to **claims 14/1, 14/2, 15-17**, While Smith teaches the usage of computer/logic array (23), which is programmed so that information is displayed on the screen in a configuration corresponding generally to the pattern of switches so that different portions of the display may be selected by operation of the appropriate switches or combination of switches (see page 3, lines 1-7), Smith fails to teach that the items are data files, sets of data files or portions of data files. Examiner takes Official Notice that the items are data files, sets of data files, or portions of data files; that at least one of the data files are stored in a location remote from the device but accessible to the device; that upon selecting a data file, the user is presented with at least one information about that data file; and that upon selecting a data file, the user can open the selected data file are well known in the art to be a conventional storage and recovery of information stored or to be processes by the processing device.

Therefore it would have been obvious for one having ordinary skill in the art at the time of the invention to allow the computer/logic array (23) of Smith to include the conventional usage of storage and recovery of information stored or to be processed by the processing device in order to carry out the functions of the user input for providing the user with the requested information.

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With reference to **claims 25/18, 25/19**, Smith teaches that the visual display could be a cathode ray screen, LED display, or a heads-up display (see page 3, line 1-3) all of which are low resolution type display devices.

With reference to **claims 28/1, 28/2**, Smith teaches that a computer program is used for controlling the visual display in the manner described in relation to the invention (see page 4, line 1-page 5, line 44).

3. **Claims 7 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to **claims 6 and 21** above, and further in view of Welch et al. (U.S. Patent No. 4,121,204).

With reference to **claims 7/1, 7/2, 22/18, and 22/19**, while Smith suggest the usage of a loop-shaped range having a range of circumferential locations within a contact sensitive area as explained above with reference to **claims 1 and 18**, there fails to be any disclosure of the contact sensitive area encircling the display area.

Welch et al. teaches a user input/output device (108) having a contact sensitive area (112) encircles the display area (110) (see column 5, line 67-column 6, line 6).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of an input device having a display area encircled by a contact sensitive area similar to that which is taught by Welch et al. to be used as the loop-shaped contact sensitive arrangement similar to that



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which is suggested by Smith in order to thereby provide an improved input device which is extremely effective for control functions and easily understood by users.

4. **Claims 26 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to **claims 18 and 19** above, and further in view of Yamagishi et al. (U.S. Patent No. 6,178,338).

With further reference to **claims 26/18, 26/19, 27/18, and 27/19**, while Smith teaches everything as explained above with reference to claims 18 and 19 there fails to be any disclosure of the device being a one-piece unit nor that the device is portable. However, the usage of input devices in portable one-piece units is well known in the art.

Moreover Yamagishi et al. teaches a portable one-piece unit (10) containing a display (14) and a jog dial (20) for selecting from a menu (see column 3, lines 1-33, column 3, line 66-column 4, line 14), wherein it is further stated that scrolling through the option menu may be performed by the use of a touch sensitive technology (see column 9, lines 12-21).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the usage of a portable one-piece unit having a display and a dial/touch sensitive input unit for scrolling through menus, as disclosed by Yamagishi, with the system having the functionality as disclosed by Smith in order to provide easier portability to the user when transporting the device from one environment to another.

***Allowable Subject Matter***

5. ***Claims 8/1, 8/2, 23/18, and 23/19*** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 3/29/05 have been fully considered but they are not persuasive. The applicant argues that Smith fails to disclose or suggest a variable number of switches and thereby fails to disclose or suggest a variable number of items (see page 3, lines 28-32). However, it is disclosed by Smith that a variable number of items can be provided and the number of active switches are thereby variable. Even if the switch arrangement is fixed, it is still possible to have a variable number of items, wherein such an case, multiple switches are used to make the selection (see page 3, lines 48-53). Further even when the switch arrangement is configured to have four switches the sub-array of items could contain two, four or six options (see page 3, 54-61). Therefore it is believed that Smith does teach a variable number of items. Further applicant's arguments directed towards Kishi, are now moot being that the portion of the claim, which was taught by Kishi, has been canceled from the claim limitations. Hence this rejection has been made final.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alecia D. Nelson whose telephone number is 571-272-7771. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

adn/ADN  
July 13, 2005

  
**SUMATI LEFKOWITZ**  
**SUPERVISORY PATENT EXAMINER**